

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(Continuation or CIP Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled STAPHYLOCOCCUS AUREUS ANTIBACTERIAL TARGET GENES

\_\_\_\_\_ the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on September 13, 1996 as

Application Serial No. 08/714,918 and was amended

on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ N

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/003,798</u> (Application Serial No.)	<u>09/15/95</u> (Filing Date)	<u>Abandoned</u> (Status) (patented, pending, abandoned)
<u>60/009,102</u> (Application Serial No.)	<u>12/22/95</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: RICHARD J. WARBURG, ESQ., REGISTRATION NO. 32,327.

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; of LYON & LYON, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066

Address all telephone calls to RICHARD J. WARBURG, ESQ. at telephone no. (619) 552-8400

Address all correspondence to Richard J. Warburg, Esq., Lyon & Lyon, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor BRET BENTON

Inventor's signature *Bret Benton* Date: NOV 17, 1996

Residence 2018 Trousdale Drive, #5, Burlingame, CA 94010

Citizenship USA

Post Office Address 2018 Trousdale Drive, #5, Burlingame, CA 94010

Full name of second inventor YING J. LEE

Inventor's signature *Ying J. Lee* Date: NOV 13, 1996

Residence 1335 Carvo Court, Los Altos, CA 94024

Citizenship USA

Post Office Address 1335 Carvo Court, Los Altos, CA 94024

Full name of third inventor FRANCOIS MALOUIN

Inventor's signature *[Signature]* Date Nov 11-96

Residence 18400 Overlook Road, #6, Los Gatos, CA 95030

Citizenship Canada

Post Office Address 18400 Overlook Road, #6, Los Gatos, CA 95030

Full name of fourth inventor PATRICK K. MARTIN

Inventor's signature *[Signature]* Date Nov 11-96

Residence 230 Arriba Drive, #6, Sunnyvale, CA 94086

Citizenship U.S.

Post Office Address 230 Arriba Drive, #6, Sunnyvale, CA 94086

Full name of fifth inventor MOLLY B. SCHMID

Inventor's signature *[Signature]* Date Nov 13 1996

Residence 1065 Middle Avenue, Menlo Park, CA 94025

Citizenship USA

Post Office Address 1065 Middle Avenue, Menlo Park, CA 94025

Full name of sixth inventor DONGXU SUN

Inventor's signature *[Signature]* Date: Nov 13-96

Residence 20200 Lucille Avenue, #8, Cupertino, California 95014

Citizenship P. R. China

Post Office Address 20200 Lucille Avenue, #8, Cupertino, California 95014

**ASSIGNMENT**

For valuable consideration, we, Bret Benton of Burlingame, California;  
Ving I. Lee of Los Altos, California; Francois Malouin of Los Gatos, California; Patrick K. Martin of  
Sunnyvale, California; Molly B. Schmid of Menlo Park, California and Dongxu Sun of Cupertino,  
California hereby assign to MICROCIDE PHARMACEUTICALS, INC., a California corporation having  
 a place of business at 850 Maude Avenue, Mountain View, California 94043, and its successors and  
 assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the  
 world in the inventions and improvements which are the subject of an application for United States  
 Patent filed on September 13, 1996, U.S. Serial No. 08/714,918, entitled STAPHYLOCOCCUS  
AUREUS ANTIBACTERIAL TARGET GENES, this assignment including said application, any and all  
 United States and foreign patents granted for any of said inventions or improvements, and the right to  
 claim priority based on the filing date of said application under the International Convention for the  
 Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and  
 all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name  
 or in its own name for patents and like rights of exclusion and for inventors' certificates for said  
 inventions and improvements; and we agree for ourselves and our respective heirs, legal  
 representatives and assigns, without further compensation to perform such lawful acts and to sign such  
 further applications, assignments, Preliminary Statements and other lawful documents as the Assignee  
 may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, California this  
13 day of November, 1996.

  
 BRET BENTON

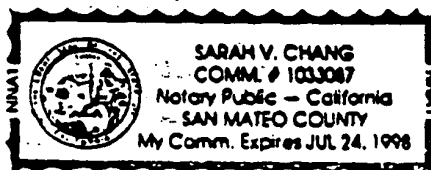
State of California :

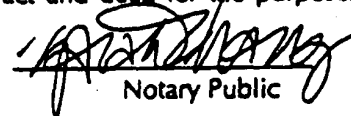
ss.

County of Santa Clara :

Before me this 13th day of November, 1996, personally appeared  
BRET BENTON known to me to be the person whose name is subscribed to the foregoing Assignment  
 and acknowledged that he executed the same as his free act and deed for the purposes therein  
 contained.

[Notary's  
 Seal Here]



  
 Notary Public

My commission expires:  
July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at Mt View, California this 13<sup>th</sup> day of November 1996.

Ving J. Lee  
VING J. LEE

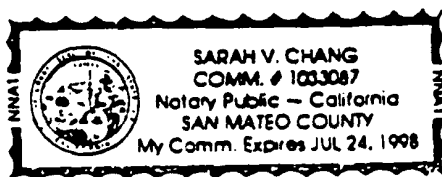
State of California :

SS.

County of Santa Clara :

Before me this 13<sup>th</sup> day of November, 1996, personally appeared VING J. LEE known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Sarah V. Chang  
Notary Public

My commission expires: July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, CA this 11 day of November 1996.

Francois Malouin  
FRANCOIS MALOUIN

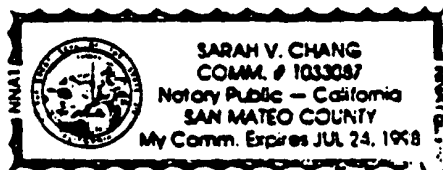
State of California :

SS.

County of Santa Clara :

Before me this 11<sup>th</sup> day of November, 1996, personally appeared FRANCOIS MALOUIN known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Sarah V. Chang  
Notary Public

My commission expires: July 24, 1998

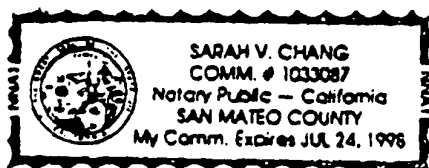
IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, California this 11th day of November, 1996.

Patrick K. Martin  
PATRICK K. MARTIN

State of California :  
County of San Mateo : SS.

Before me this 11th day of November, 1996, personally appeared PATRICK K. MARTIN known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Sarah V. Chang  
Notary Public

My commission expires: July 24, 1998

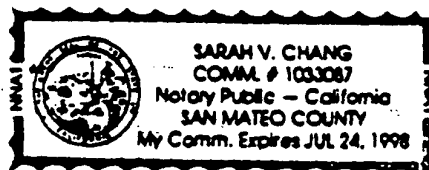
IN WITNESS WHEREOF, I hereto set my hand and seal at Mountain View, California this 13th day of November, 1996.

Molly B. Schmid  
MOLLY B. SCHMID

State of California :  
County of San Mateo : SS.

Before me this 13th day of November, 1996, personally appeared MOLLY B. SCHMID known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Sarah V. Chang  
Notary Public

My commission expires: July 24, 1998

IN WITNESS WHEREOF, I hereto set my hand and seal at San Jose, California this 13 day  
of November, 1996.

Dongxu Sun  
DONGXU SUN

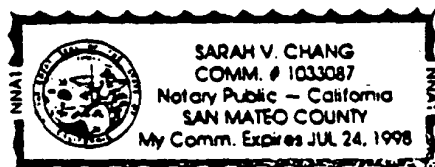
State of California :

ss.

County of Santa Clara :

Before me this 13 day of November, 1996, personally appeared  
DONGXU SUN known to me to be the person whose name is subscribed to the  
foregoing Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

(Notary's  
Seal Here)



Sarah V. Chang  
Notary Public

My commission expires:

July 24, 1998



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

252/034

JANUARY 05, 2002

PTAS

Chief Financial Officer and Chief Administrative Officer  
Washington, DC 20231  
www.uspto.gov

LYON & LYON LLP  
BERNARD F. ROSE, ESQ.  
633 WEST 5TH STREET, SUITE 4700  
LOS ANGELES, CA 90071-2066



\*101900983A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/19/2001

REEL/FRAME: 012273/0625  
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MICROCIDE PHARMACEUTICALS, INC.

DOC DATE: 10/24/2001

ASSIGNEE:

ESSENTIAL THERAPEUTICS, INC.  
850 MAUDE AVENUE  
MOUNTAIN VIEW, CALIFORNIA 94043

SERIAL NUMBER: 08388109  
PATENT NUMBER: 5883074

FILING DATE: 02/08/1995  
ISSUE DATE: 03/16/1999

SERIAL NUMBER: 08589257  
PATENT NUMBER:

FILING DATE: 01/23/1996  
ISSUE DATE:

SERIAL NUMBER: 08713718  
PATENT NUMBER:

FILING DATE: 09/13/1996  
ISSUE DATE:

SERIAL NUMBER: 08730039  
PATENT NUMBER:

FILING DATE: 10/11/1996  
ISSUE DATE:

RECEIVED

JAN 10 2002

U.S. PROSECUTION



SERIAL NUMBER: 09059802  
PATENT NUMBER:

FILING DATE: 04/14/1998  
ISSUE DATE:

234/0001

SERIAL NUMBER: 09082077  
PATENT NUMBER:

FILING DATE: 05/20/1998  
ISSUE DATE:

234/0001

SERIAL NUMBER: 09073073  
PATENT NUMBER:

FILING DATE: 05/04/1998  
ISSUE DATE:

234/0001

SERIAL NUMBER: 09108906  
PATENT NUMBER:

FILING DATE: 07/01/1998  
ISSUE DATE:

235/1177

SERIAL NUMBER: 09164609  
PATENT NUMBER:

FILING DATE: 10/01/1998  
ISSUE DATE:

237/0006

SERIAL NUMBER: 09265935  
PATENT NUMBER:

FILING DATE: 03/09/1999  
ISSUE DATE:

240/0000

SERIAL NUMBER: 09330503  
PATENT NUMBER:

FILING DATE: 06/11/1999  
ISSUE DATE:

240/0000

SERIAL NUMBER: 60236901  
PATENT NUMBER:

FILING DATE: 09/28/2000  
ISSUE DATE:

241/0000

SERIAL NUMBER: 09528204  
PATENT NUMBER:

FILING DATE: 03/17/2000  
ISSUE DATE:

242/0000

SERIAL NUMBER: 09528709  
PATENT NUMBER:

FILING DATE: 03/17/2000  
ISSUE DATE:

242/0000

SERIAL NUMBER: 09527745  
PATENT NUMBER:

FILING DATE: 03/17/2000  
ISSUE DATE:

243/0001

SERIAL NUMBER: 09672570  
PATENT NUMBER:

FILING DATE: 09/29/2000  
ISSUE DATE:

243/0001

SERIAL NUMBER: 09630630  
PATENT NUMBER:

FILING DATE: 08/01/2000  
ISSUE DATE:

244/0000

SERIAL NUMBER: 09613302  
PATENT NUMBER:

FILING DATE: 07/10/2000  
ISSUE DATE:

244/0000

SERIAL NUMBER: 60229174  
PATENT NUMBER:

FILING DATE: 08/29/2000  
ISSUE DATE:

245/0000

SERIAL NUMBER: 09668722  
PATENT NUMBER:

FILING DATE: 09/21/2000  
ISSUE DATE:

247/0001

SERIAL NUMBER: 09906843  
PATENT NUMBER:

FILING DATE: 07/16/2001  
ISSUE DATE:

258/0001

SERIAL NUMBER: 09724818  
PATENT NUMBER:

FILING DATE: 11/28/2000  
ISSUE DATE:

259/0000

SERIAL NUMBER: 60286052  
PATENT NUMBER:

FILING DATE: 04/23/2001  
ISSUE DATE:

261/225

SERIAL NUMBER: 09785940  
PATENT NUMBER:

FILING DATE: 02/15/2001  
ISSUE DATE:

261/003

SERIAL NUMBER: 09906864  
PATENT NUMBER:

FILING DATE: 07/16/2001  
ISSUE DATE:

261/156

SERIAL NUMBER: 09949230  
PATENT NUMBER:

FILING DATE: 09/07/2001  
ISSUE DATE:

261/585

SERIAL NUMBER: 60292841  
PATENT NUMBER:

FILING DATE: 05/21/2001  
ISSUE DATE:

261/219

SERIAL NUMBER: 09877638  
PATENT NUMBER:

FILING DATE: 06/08/2001  
ISSUE DATE:

261/1000

SERIAL NUMBER: 09920785  
PATENT NUMBER:

FILING DATE: 08/01/2001  
ISSUE DATE:

261/000

SERIAL NUMBER: 09925217  
PATENT NUMBER:

FILING DATE: 08/08/2001  
ISSUE DATE:

261/204

SERIAL NUMBER: 08427088  
PATENT NUMBER: 5989832

FILING DATE: 04/21/1995  
ISSUE DATE: 11/23/1999

261/073

SERIAL NUMBER: 08413713  
PATENT NUMBER: 5756493

FILING DATE: 03/29/1995  
ISSUE DATE: 05/26/1998

261/000

SERIAL NUMBER: 08413714  
PATENT NUMBER: 5607926

FILING DATE: 03/29/1995  
ISSUE DATE: 03/04/1997

261/264(OTR)

SERIAL NUMBER: 08413712  
PATENT NUMBER: 5604218

FILING DATE: 03/20/1996  
ISSUE DATE: 02/18/1997

261/261(OTR)

SERIAL NUMBER: 08415064  
PATENT NUMBER: 5789584

FILING DATE: 03/29/1995  
ISSUE DATE: 08/04/1998

261/268

SERIAL NUMBER: 08455969  
PATENT NUMBER: 5698547

FILING DATE: 05/31/1995  
ISSUE DATE: 12/16/1997

261/112

SERIAL NUMBER: 08457673  
PATENT NUMBER: 5688786

FILING DATE: 06/01/1995  
ISSUE DATE: 11/18/1997

261/113

SERIAL NUMBER: 09188057  
PATENT NUMBER: 6228842

FILING DATE: 11/06/1998  
ISSUE DATE: 05/08/2001

261/260

SERIAL NUMBER: 08672215  
PATENT NUMBER: 6020121

FILING DATE: 06/25/1996  
ISSUE DATE: 02/01/2000

261/155

SERIAL NUMBER: 08714918  
PATENT NUMBER: 6037123

FILING DATE: 09/13/1996  
ISSUE DATE: 03/14/2000

261/005

SERIAL NUMBER: 08728232  
PATENT NUMBER: 6066630

FILING DATE: 10/11/1996  
ISSUE DATE: 05/23/2000

222/230

SERIAL NUMBER: 08730042  
PATENT NUMBER: 6087355

FILING DATE: 10/11/1996  
ISSUE DATE: 07/11/2000

222/231

SERIAL NUMBER: 08728233  
PATENT NUMBER: 6057312

FILING DATE: 10/11/1996  
ISSUE DATE: 05/02/2000

222/232

SERIAL NUMBER: 08730040  
PATENT NUMBER: 5859256

FILING DATE: 10/11/1996  
ISSUE DATE: 01/12/1999

222/233

SERIAL NUMBER: 08770246  
PATENT NUMBER: 5962249

FILING DATE: 12/20/1996  
ISSUE DATE: 10/05/1999

223/171

SERIAL NUMBER: 08876691  
PATENT NUMBER: 6303115

FILING DATE: 06/16/1997  
ISSUE DATE: 10/16/2001

225/190

SERIAL NUMBER: 09012363  
PATENT NUMBER: 6114310

FILING DATE: 01/23/1998  
ISSUE DATE: 09/05/2000

226/200

SERIAL NUMBER: 08937812  
PATENT NUMBER: 6025352

FILING DATE: 09/29/1997  
ISSUE DATE: 02/15/2000

228/170

SERIAL NUMBER: 09020001  
PATENT NUMBER: 6245746

FILING DATE: 02/04/1998  
ISSUE DATE: 06/12/2001

228/236

SERIAL NUMBER: 09089734  
PATENT NUMBER: 6204279

FILING DATE: 06/03/1998  
ISSUE DATE: 03/20/2001

244/227

SERIAL NUMBER: 09265315  
PATENT NUMBER: 6187541

FILING DATE: 03/09/1999  
ISSUE DATE: 02/13/2001

242/247

SERIAL NUMBER: 09266417  
PATENT NUMBER: 6228588

FILING DATE: 03/09/1999  
ISSUE DATE: 05/08/2001

240/248

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

11-20-2001

PTO-1585  
-92

RE



IEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101900983

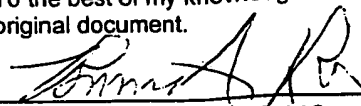
Docket No. \_\_\_\_\_  
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

<b>1. Name of conveying party(ies):</b> MICROCIDE PHARMACEUTICALS, INC. <i>11-19-01</i> Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>2. Name and address of receiving party:</b> Name: <u>ESSENTIAL THERAPEUTICS, INC.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>850 Maude Avenue</u> City: <u>Mountain View</u> State: <u>CA</u> Zip: <u>94043</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>3. Nature of conveyance:</b> <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input checked="" type="checkbox"/> Change of Name  <input type="checkbox"/> Other _____ Execution Date: <u>October 24, 2001</u>			
<b>4. Application number(s) or patent number(s):</b> If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No(s): <u>See Attached List</u> B. Patent No(s): <u>See Attached List</u> Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b> Name: <u>Bernard F. Rose, Esq.</u>  Internal Address: <u>LYON &amp; LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u>		<b>6. Total number of applications and patents involved:</b> <u>52</u>  <b>7. Total fee (37 CFR 3.41):</b> \$ <u>2,080.00</u> <input checked="" type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required  <b>8. Deposit Account Number:</b> <u>12-2475</u>	

DO NOT USE THIS SPACE

**9. Statement and signature:**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

  
Bernard F. Rose, Reg No. 42,112Date: 11/17/01Total number of pages including cover sheet: 6

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

1/23/2001 GT011 00000128 09388109

1 FC:581

2080.00 DP

Director — U.S. Patent and Trademark Office

Box Assignments

Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

ATTACHMENT

Docket #	Inventor	Serial Number Filing Date	Patent Number Issue Date	Title
209/078	Boggs, et al.	08/388,109 2/8/95	5,883,087 3/16/99	Potentiators Of Antibacterial Agents
210/083	Trias, et al.	08/427,088 4/21/95	5,989,832 11/23/99	Efflux Pump Inhibitors
211/263	Hecker, et al.	08/413,713 3/29/95	5,756,493 5/26/98	Cephalosporin Antibiotics
211/264	Hecker, et al.	08/413,714 3/29/95	5,607,926 3/4/97	Cephalosporin Antibiotics
211/267	Hecker, et al.	08/413,712 3/29/95	5,604,218 2/18/97	Cephalosporin Antibiotics
211/268	Hecker, et al.	08/415,064 3/29/95	5,789,584 8/4/98	Cephalosporin Antibiotics
213/012	Hecker, et al.	08/455,969 5/31/95	5,698,547 12/16/97	Cephalosporin Antibiotics
213/013	Hecker, et al.	08/457,673 6/1/95	5,688,786 11/18/97	Cephalosporin Antibiotics
214/260	Fronko, R. et al.	09/188,057 11/6/98	6,228,842 5/8/01	New Pacidamycins Produced By Streptomyces Coeruleorubidus
218/053	Boggs, et al.	08/589,257 1/23/96		Screening For Modulators of Biomolecules
219/158	Bao, et al.	08/672,215 6/25/96	6,020,121 2/1/00	Inhibitors Of Regulatory Pathways
222/005	Boggs, et al.	08/714,918 9/13/96	6,037,123 3/14/00	Staphylococcus Aureus Antibacterial Target Genes
222/093	Boggs, et al.	08/713,718 9/13/96		Staphylococcus Aureus Antibacterial Target Genes
222/229	Cho, et al.	08/730,039 10/11/96		Cephalosporin Antibiotics
222/230	Cho, et al.	08/728,232 10/11/96	6,066,630 5/23/00	Cephalosporin Antibiotics
222/231	Cho, et al.	08/730,042 10/11/96	6,087,355 7/11/00	Cephalosporin Antibiotics
222/232	Cho, et al.	08/728,233 10/11/96	6,057,312 5/2/00	Cephalosporin Antibiotics
222/233	Cho, et al.	08/730,040 10/11/96	5,859,256 1/12/99	Cephalosporin Antibiotics
223/171	Benton, et al.	08/770,246 12/20/96	5,962,249 10/5/99	Size-Based Marker Identification Technology

226/190	Natsoulis, George	09/076,691 6/16/97	6,303,115 10/16/01	Screening Methods Using Microbial Strain Pools
226/083	Chamberland, et al.	09/012,363 1/23/98	6,114,310 9/5/00	Efflux Pump Inhibitors
228/171	Cho, et al.	08/937,812 9/29/97	6,025,352 2/15/00	Cephalosporin Antibiotics
232/036	Chamberland, et al.	09/020,001 2/4/98	6,245,746 6/12/01	Efflux Pump Inhibitors
234/028	Leger, et al.	09/089,734 6/3/98	6,204,279 3/20/01	Peptidomimetic Efflux Pump Inhibitors
234/044	Boggs, et al.	09/059,802 4/14/98		Screening For Modulators of Biomolecules
234/067	Benton, et al.	09/082,077 5/20/98		Staphylococcus Aureus Antibacterial Target Genes
234/117	Bostian, et al.	09/073,073 5/4/98		Methods For Evaluation of Antimicrobial Targets
235/177	Chamberland, et al.	09/108,906 7/1/98		Efflux Pump Inhibitors
237/126	Chamberland, et al.	09/164,609 10/1/98		Fungal Efflux Pump Inhibitors
240/247	Benton, et al.	09/265,315 3/9/99	6,187,541 2/13/01	Staphylococcus Aureus Antibacterial Target Genes
240/248	Benton, et al.	09/266,417 3/9/99	6,228,588 5/8/01	Staphylococcus Aureus Antibacterial Target Genes
240/293	Benton, et al.	09/265,935 3/9/99		Staphylococcus Aureus Antibacterial Target Genes
243/223	Boojarma, et al.	09/330,503 6/11/99		Uridyl Peptide Antibiotic (UPA) Derivatives, Their Synthesis And Use
247/112	Nakane, Paul K.	60/236,901 9/28/00		Rapid Antibiotic Susceptibility Tests
252/032	Benton, et al.	09/528,204 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/033	Benton, et al.	09/528,709 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/034	Benton, et al.	09/527,745 3/17/00		Staphylococcus Aureus Antibacterial Target Genes
252/157	Lee, et al.	09/672,570 9/27/00		Efflux Pump Inhibitors Produced By a Novel Strain Of Streptomyces SP
253/293	Benton, et al.	09/630,630 8/1/00		Staphylococcus Aureus Antibacterial Target Genes
255/192	Chamberland, et al.	09/613,302 7/10/00		Efflux Pump Inhibitors
255/260	Glinka, Tomasz W.	60/229,174 8/29/00		Cephalosporin Antibiotics And Prodrugs Thereof

57/041	Hecker, et al.	09/668,722 9/21/00		7-ACETAMINO-3- HETEROARYLTHIO-3-CEPHEM CARBOXYLIC ACID ANTIBIOTICS AND PRODRUGS THEREOF
258/057	Hecker, et al.	09/906,843 7/16/01		Improved Beta-Lactam Antibiotics And Products Thereof
259/082	Leger, et al.	09/724,818 11/28/00		Peptidomimetic Efflux Pump Inhibitors
260/283	Watkins, Will	60/286,052 4/23/01		RND Efflux Pump Inhibitors For Non- Systemic Use
261/043	Bond, et al.	09/785,940 2/15/01		Inhibition Of RECA Protein Function As A Means Of Reducing The Frequency Of Rifampicin Resistance In Bacteria
261/156	Watkins, Will	09/906,864 7/16/01		Fungal Efflux Pump Inhibitors
262/095	Lee, May D.	09/949,230 9/7/01		New Antibiotics From Microbispora
264/219	Benton, Bret	60/292,841 5/21/01		Staphylococcus Aureus In Vivo Survival Genes
265/094	Bostian, et al.	09/877,638 6/8/01		Methods For Evaluation of Antimicrobial Targets
266/106	Nakane, Paul K.	09/920,785 8/1/01		Rapid Antibiotic Susceptibility Tests
266/206	Glinka, Tomasz W.	09/925,217 8/8/01		Cephalosporin Antibiotics And Prodrugs Thereof

State of Delaware  
Office of the Secretary of State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF AMENDMENT OF "MICROCIDE  
PHARMACEUTICALS, INC.", CHANGING ITS NAME FROM "MICROCIDE  
PHARMACEUTICALS, INC." TO "ESSENTIAL THERAPEUTICS, INC.", FILED  
IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF OCTOBER, A.D. 2001,  
AT 1:05 O'CLOCK P.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2597251 8100

010592174

AUTHENTICATION: 1408100

DATE: 10-24-01



**CERTIFICATE OF AMENDMENT TO  
RESTATED CERTIFICATE OF INCORPORATION  
OF  
MICROCIDE PHARMACEUTICALS, INC.**

a Delaware Corporation

Pursuant to § 242 of the General Corporation Law  
of the State of Delaware

Microcide Pharmaceuticals, Inc., a corporation organized and existing under the General Corporation Law of the State of Delaware (the "Corporation") does hereby certify:

1. The name of the Corporation is Microcide Pharmaceuticals, Inc. and was originally incorporated under the same name, and the original Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on February 29, 1996.
2. The following amendment to the Restated Certificate of Incorporation of the corporation has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware:

Article I of the Restated Certificate of Incorporation is hereby amended to read in its entirety as follows:

**"ARTICLE I**

The name of this corporation is Essential Therapeutics, Inc."

3. The capital of the corporation will not be reduced under or by reason of the foregoing amendment.

IN WITNESS WHEREOF, Microcide Pharmaceuticals, Inc. has caused this Certificate to be executed by its duly authorized officer this 24th day of October, 2001.

**MICROCIDE PHARMACEUTICALS, INC.**

By: /s/ James E. Runkle  
Name: James E. Runkle  
Title: President and Chief Executive Officer